

**Minutes of a Special Session of the Common Council of the Town of
Clarkdale**

Held on Tuesday, February 26, 2019 at 3:00 P.M.

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 26, 2019, at 3:00 P.M. in the Clarkdale Police Annex, 49 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 2:59 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig

Vice Mayor Richard Dehnert

Councilmember Scott Buckley (absent)

Councilmember Bill Regner (absent)

Councilmember Debbie Hunseder

Town Staff:

Town Manager Gayle Mabery

Administrative Services Director Kathy Bainbridge

Planning Manager Beth Escobar

Project Manager Mike Gray

Public Works/Utilities Director Maher Hazine

Community/Economic Development Director Jodie Filardo

Police Chief Randy Taylor

Human Resources Manager Lonnie Hovde

Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

Mayor Von Gausig discussed Brewer's Tunnel/Dam history and future. Reported on the "most exciting single environmental change" in the history of the dam that occurred with the rain in the previous week that resulted in a breach of the dam.

**PRESENTATION BY THE YAVAPAI-APACHE NATION REGARDING
DISTRIBUTION OF GAMING REVENUES UNDER PROPOSITION 202.**

Yavapai Apache Tribal Chair, Jane Winiecki, made the Proposition 202 presentation to Clarkdale Town Council in the amount of \$18,050.50. Mayor Von Gausig noted the ways the money is spent in support of the Verde River. "Life will be good as long as the river continues to flow."

CONSENT AGENDA - The consent agenda portion of the agenda is a means of

expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Reports** - Approval of written Reports from Town Departments and Other Agencies
- Building Permit Report – January, 2019
 - Capital Improvements Report – January, 2019
 - Water/Wastewater Report – January, 2019
 - Magistrate Court Report – January, 2019
 - Police Department Report – January, 2019
 - Police Department Special Event Liquor License Recommendation – Cottonwood Chamber of Commerce, February 7, 2019
 - CAT/LYNX Transit Report – January, 2019
 - Verde Valley Humane Society – December, 2018; January 2019

Councilmember Hunseder pulled item B.

Action: Approve Consent Agenda item A as presented.

Motion: Councilmember Hunseder

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

- B. Proclamation, “Stand With Me, Be Drug Free Week”** – Approval of a proclamation regarding the Matforce campaign to elevate public awareness of substance abuse in the community and to commend those community members who choose to stay drug free.

The Clarkdale Police Department supports and works with Matforce to educate Town of Clarkdale citizens as to the effects on individuals, families, and our community of substance abuse. Matforce has proclaimed February 25 – March 2, 2019, to be Stand With Me, Be Drug Free Week in Yavapai County. The planned events, activities, and displays for the Stand With Me, Be Drug Free week acknowledges and commends those who have chosen to remain drug free, and celebrates having a drug-free, healthy community.

Police Chief Randy Taylor introduced Aaron King, Yavapai College Officer, who was available to speak to Council about this proclamation.

Action: Adopt the Proclamation “Stand with Me, Be Drug Free Week”.

Motion: Councilmember Hunseder

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

NEW BUSINESS

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

METHOD OF DISTRIBUTION – A presentation from the Northern Arizona Council of Governments on proposed changes to the method of distribution for CDBG Program grants.

The Community Development Block Grant (CDBG) is a United States Housing and Urban Development (HUD) program providing funds for housing and community development activities. CDBG funds are allocated to local and state governments on a formula basis. Larger cities and urban counties, called "entitlement communities" work directly with HUD. Incorporated cities and towns with a population fewer than 50,000 and counties with an unincorporated population under 200,000 are considered "non-entitlement" and the CDBG funds are administered by the state. In our region, Northern Arizona Council of Governments (NACOG) oversees the planning of annual allocations and provides technical assistance for application as well as project success.

The Arizona Department of Housing allocates funds to the four rural Councils of Governments (COGs) based on a poverty/population formula. NACOG, using the same formula, then allocates the funds among the four northern Arizona counties: Apache, Navajo, Coconino and Yavapai. Within each of the aforementioned counties a rotation schedule has been established, which determines the year each city, town and county can apply for funding. The current rotation schedule occurs every four years. This rotation schedule is identified as part of an adopted process through NACOG called the "Method of Distribution".

It has been a long time – several decades – since NACOG took a good look at our Community Development Block Grant (CDBG) Method of Distribution (MOD). In recent years some communities are having a tougher time coming up with eligible projects, or borderline eligible projects are being moved forward. In the interest of making sure we are using our CDBG funds as intended, and to help ensure that we don't end up sending funds back to the state, NACOG is discussing changes to the current Method of Distribution which may include moving from rotational eligibility to a competitive grant process.

NACOG is holding a meeting on Monday, February 25 from 10 a.m. to 12 noon which will cover the following topics:

- Overview of the CDBG grant process and method of distribution;
- Outline what doing a competitive process might look like;
- Discussion of possible ideas for changing the way NACOG distributes funds; and,
- Whether people are interested in making changes at all.

Isabel Rollins, NACOG CDBG & Housing Director, will give a presentation to the Town Council with regard to the proposed changes to the CDBG Method of Distribution.

Final approval of the changes by the majority of communities in the NACOG region, as well as the Arizona Department of Housing (ADOH) and NACOG Regional Council, will likely extend through Fall 2019.

Isabel Rollins presented PowerPoint information about this agenda item. Discussion followed regarding staffing deficit at the Department of Housing and how that negatively impacts the distribution and allocations. Flexibility in the spending of the funds for Clarkdale would be beneficial. Funding formula is based on the poverty percentage for each area/municipality. The Yavapai County municipalities could decide to revise the system to deviate from the “every four year” allocation system.

FORMATION OF “COMPLETE COUNT COMMITTEE” (CCC) FOR CENSUS

2020 - Discussion and possible action regarding the Census 2020 program and authorizing Town Manager to form a Complete Count Committee.

The Town of Clarkdale has an opportunity to actively participate in the upcoming decennial U.S. Census administered by the U.S. Census Bureau. This project is a constitutionally mandated headcount of every living person in the territorial United States and has occurred every decade since 1790.

Census information is used for transportation, law enforcement, emergency services, education and housing planning at the state and federal level. About \$675 billion in federal funding is set to be disbursed this census.¹ Since funds are issued based on population, an accurate count is necessary to ensure maximum funding. The amount of the allocation is based on what percentage of the overall population of Yavapai County Clarkdale represents. In addition to determining how federal funds will be distributed, the information collected by the census impacts the number of representatives each state will have in the House of Representatives. Legislative and school districts are also redrawn using this information.

Census population numbers are also used to allocate four state revenue sources:

- Sales Transaction Privilege Tax (TPT)
- State Income Tax
- Highway User Revenue Fund (HURF)
- Vehicle License Tax (VLT)

The level of participation from the Town in supporting the census program may directly impact the amount of funds we eventually receive. According to a Census Bureau training video dated November 20, 2018, each person absent from the state count subtracts approximately \$2,000 from the federal funds the state receives.

Since the 2010 Census, the federal government has made these improvements in the collection of data:

- More accurate address list

¹ 2020 Census Complete Count Committee Guide D-1280(RV) p.2

- Automation of field operations
- Option to respond online, by phone or by mail
- Reduced in-person follow up visits to non-responding households by using data already provided by public

By the end of July 2020, the follow-up on non responses is due to be complete. The U .S. Census Bureau must submit state population totals to the President of the United States by December 31, 2020.

The Town's Participation to Date:

Town staff has already invested time researching the census process and what the Town's participation might look like. Staff also provided our regional Census 2020 contact with an updated GIS layer. It is anticipated there might be additional addressing inquiries after the census process begins.

Throughout the Census process, staff will work in some capacity with Northern Arizona Council of Governments (NACOG). The inter-relationship of roles between NACOG and the Town is not yet known, but will be defined as the process evolves. The regional contact for NACOG is Transportation Planner, Jason James.

Census Bureau Recommendation:

The Census Bureau has adopted a "Complete Count Committee" (CCC) model to ensure a high percentage of responses. The CCC is an all-volunteer committee which serves as an ambassador to the community to encourage a complete count. The CCC's role is to promote awareness and enhance response to the census.²

Government CCCs range in size from 5 to 25 members. The number of seats depends mostly on the population of the community represented.³ The Census Bureau recommends a Committee of 3-5 community leaders for a Town the size of Clarkdale.⁴

The literature circulated by the US Census Bureau offers the following suggestion (*Figure 1*)⁵ for the make-up of a CCC for a larger community. By interpretation of the literature and this figure, staff discerns community leaders can be anyone capable of garnering a high level of participation from the community.

Council may authorize the Town Manager to form a CCC to help shoulder the work-load associated with promotion and community engagement or to utilize staff to perform these functions.

If a CCC were appointed, Community Development staff anticipates staff would be responsible for organizing, educating and supporting the Committee and would report back to Council on census related activities.

² 2020 Census Complete Count Committee Guide D-1280(RV) p.4

³ 2020 Census Complete Count Committee Guide D-1280(RV) p.6

⁴ 2020 Census Complete Count Committee Guide D-1280(RV) p.5

⁵ 2020 Census Complete Count Committee Guide D-1280(RV) p.11

The CCC's Role:

1. The CCC implements strategies to increase awareness and dispel myths about the census. The CCC should try to inspire confidence in the public with regard to privacy and how information is used.

Figure 1.
Suggested CCC Membership

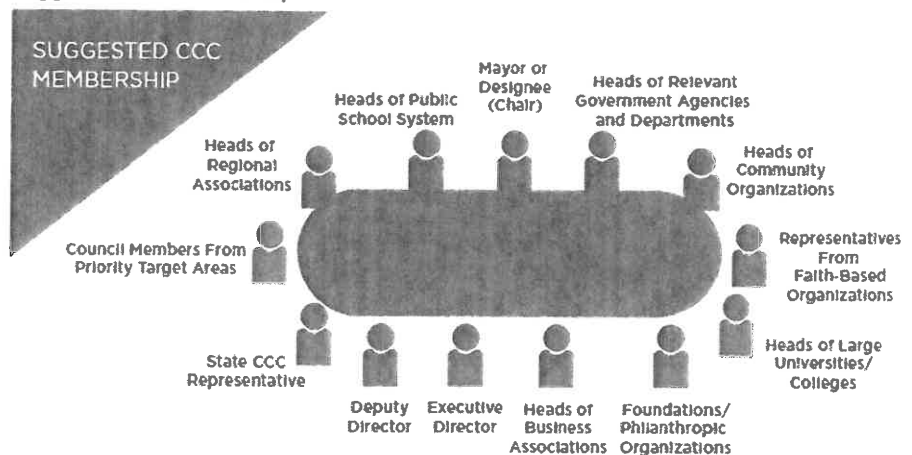


Figure 1 – CCC
example for a larger
community

2. Once in place, and with staff's guidance, the CCC would develop a plan that may include the following:
 - Preparation and distribution of public service announcements
 - Placement of census materials in water bills, tax bills, & other correspondence
 - Promotion on Town website and social media
 - Creation of posters, banners and other signage
 - Encouragement of businesses to sponsor census activities
 - Placement of Census 2020 logo on Town property and correspondence
 - Hosting a census workshop
 - Sponsoring a Census 2020 booth at Town of Clarkdale events such as the car show, block parties, concerts in the park, beer and wine events etc.
 - Having Census information available during voter registration drives.

With or without a CCC, staff will be actively engaged in the efforts of obtaining a complete count. Organizing meetings and activities with a CCC (Level B below) are likely to consume large amounts of staff time, and staff believes it could easily achieve most of the Level A functions (below) without a CCC.

3. Staff has broken down anticipated activities into Level A and Level B activities.

Level A activities:

- Generation of materials for inclusion in PSAs, utility bills, correspondence etc.
- Promotion on Town website and social media
- Banners and posters to promote census awareness
- Encouragement of local businesses to sponsor and/or participate

On the other hand, some of the other suggested activities (Level B below) entail more organization, interaction and effort between staff and a CCC.

Level B activities:

- Organize and host census workshop
- Staff booths at Town events
- Presence at voter registration etc.

Due to the anticipated impact on staff resources, without a CCC, staff's role will likely be limited to Level A activities only. Either approach will improve the likelihood of a complete count.

As of the date of this report, none of our Verde Valley communities have formed a Complete Count Committee.

Forming a CCC

Solicitation for CCC members may be done through press releases and social media. Interested applicants could complete an application and the positions could be filled through the same process as openings on Board & Commissions.

Timeframes:

The following are some key dates in the proposed timeline for census operations.

- **March 1, 2019 - Open CCC application process.**
CDD staff would issue a press release, manage intake of applications and, if directed, schedule interviews using the Boards & Commissions application process.
- **April 2019 – Formation of a CCC and training based on materials provided by the Census Bureau.**
- **April 2019 – March 2020 – Development and implementation of promotion activities.**
CDD Project Manager would support these functions.
- **January 1, 2020 – April 1, 2020 - Active promotion ahead of Census Day 2020.**
- **July 2020 – Census 2020 count and follow-up concludes.**
- **December 31, 2020 - State totals are sent to President.**

Summary:

This decennial event requires the Town's participation, and counting every resident benefits the Town in the form of funding and legislative representation. Staff can promote census participation through existing Town media. Coordinating and supporting a CCC would take more staff time, however, this may be the Council's preferred approach to maximize participation throughout the Town. One advantage of a CCC is that potential committee members may already be connected with various segments of the community which would facilitate outreach efforts.

Project Manager Mike Gray presented information on this topic to Council. Gray discussed Clarkdale promotion opportunities. Community/Economic Development Director Jodie Filardo

stated that there was not a lot of program material to work with so far. Significant staff resources will be required.

Action: Authorize Town Manager to form a Complete Count Committee for the 2020 census.

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

BWC ENTERPRISES, INC. WOODRUFF CONSTRUCTION BID FOR THE CONSTRUCTION OF THE CLARK MEMORIAL CLUBHOUSE ADA IMPROVEMENTS PROJECT PHASE 2; AUTHORIZATION TO ENTER INTO A CONTRACT AND ISSUE A NOTICE TO PROCEED – Discussion and consideration of the bid from BWC Enterprises, Inc. Woodruff Construction for the construction of Clark Memorial Clubhouse ADA Improvements Phase 2, in an amount not to exceed \$357,482; authorize Public Works/Utilities Director to enter into a contract and issue a Notice to Proceed.

BACKGROUND: On January 23, 2018 Town Council Approved Resolution #1562 allowing staff to move forward with the submission for FY18 Federal Community Development Block Grant (CDBG) funds and to submit the Letter of Intent to the Arizona Department of Housing (ADOH) for project review and funding. The total amount of funding that was approved for this project was \$325,143.00. After payment of \$5,000.00, to Northern Arizona Council of Governments (NACOG) for project administration, the total balance that is left for design and construction is \$320,143.00.

On November 14, 2018 the Town Manager executed a contract with Architecture Works Green, Inc., an architectural/engineering design firm, to provide professional services for the design of the Clark Memorial Clubhouse ADA Improvements Project. The contract amount of professional design services was \$22,000 plus the contingency of \$2,500.00. This leaves \$295,643.00 for construction.

PROJECT SCOPE:

Base Bid: ADA modifications to the existing men's and women's restrooms in the men's and women's lounge including adding an additional women's ADA restroom to the men's lounge, rehabbing the existing men's lounge restroom lounge to comply with current ADA requirements, rehabbing and adding two (2) unisex restrooms to the Ladies Lounge to comply with current ADA requirements. This would include sinks, toilets, urinals, partitions, grab bars, dispensers, mirrors, flooring and wall tile, heaters, and relocating or replacing existing doors and door frames.

Alternate #1, Exterior ADA ramp structure in its entirety at the exterior side of the Terrace, including ADA signage and emergency lighting at exterior ramp.

Alternate #2, Patch and paint the window sash and frames in lieu of sash and glazing replacement (Deduct item)

Alternate #3, Paint all walls and ceiling throughout the Council Chambers (to match the renovated restroom (west) wall.

Staff and Architecture Works Green, Inc. completed the necessary bid documents and the Request for Proposals (RFP) was advertised on January 18, 2019. On January 31, 2019 there was a mandatory pre-bid meeting that had two contractors present. At 2:00 pm on February 12, 2019 the RFPs from the two qualified contractors were opened with the bid results outlined below.

Clark Memorial Clubhouse ADA Improvements – Bid Results – February 12, 2019:

Contractor	Woodruff Construction	Loven Contracting
Base Bid	\$242,430.00	\$340,610.96
Bid Alt. #1	\$113,500.00	\$152,325.33
Bid Alt. #2	(\$7,000.00)	(\$4,902.10)
Bid Alt. #3	\$1,552.00	\$2,391.97
TOTAL (excluding Alternate Bid #2)	\$357,482.00	\$495,328.26

Based on the above data, Woodruff Construction is the apparent lowest qualified bidder. Additionally, based on the review of the bid alternates, staff recommends awarding Bid Alternates #1 and #3. Staff does not recommend accepting Bid Alternate #2, as the deduct amount is negligible (1.9%), and replacing the sash and glazing will match the work done on Phase 1 resulting in more efficient windows.

As part of the FY19 budget, Council designated \$28,000 which was to be split 50/50 for Court Room Remodel and Council Chamber Remodel. Included with this contract, Bid Alternate #3 calls for painting all walls and ceiling throughout the Council Chambers. Funding for Bid Alternate #3 can come from the Designated Funds for the Council Remodel.

Furthermore, prior to awarding Bid Alternate #1, staff will coordinate with the contractor to Value Engineer the Exterior Ramp to see if the cost of the current design can be lowered. This will be coordinated with Architecture Works Green, Inc.

FUNDING:

Funding for this project will primarily be coming from CDBG funds awarded to the Town. However, as noted above, only \$295,643.00 is available. This leaves a balance of \$61,839.00. As such, staff suggests funding the balance as follows:

\$1,552.00 (Bid Alternate #3) would be funded from Designated Funds Court Room Remodel balance and \$60,287.00 (balance of \$61,839.00 - \$1,552.00) would be borrowed from Designated Funds – WW Line Replacement account, to be paid back from - future budgeted - general fund expenditure.

A Resolution for the borrowing of funds from the Waste Water Line Replacement fund will be brought back to Council at a later date.

Utilities-Public Works Director Maher Hazine presented information on this agenda item. Hazine noted that the project would start once paperwork is complete and bond is posted. Possible start date could be around May, 2019. Hazine stated he was hoping to decrease the maximum contract amount. Unexpected expenses will be discussed if they occur. He also noted that caution would be taken with historical features and fixtures of the building.

Action:

- 1) **Accept the bid from BWC Enterprises, Inc. Woodruff Construction for the construction of Clark Memorial Clubhouse ADA Improvements Phase 2, in an amount not to exceed \$357,482 (including Alternates 1 and 3);**
- 2) **Authorize Public Works/Utilities Director to negotiate a contract with BWC Enterprises, Inc. Woodruff Construction for the Clark Memorial Clubhouse ADA Improvements Project – Phase 2 and a Notice to Proceed.**

Motion: Councilmember Hunseder

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

PATRIOT DISPOSAL, INC. BID AND AGREEMENT FOR RESIDENTIAL TRASH AND RECYCLING SERVICE – Discussion and consideration of a bid from Patriot Disposal, Inc. for residential trash and recycling service and authorization for the Public Works-Utilities Director to enter into an agreement between the Town of Clarkdale and Patriot Disposal, Inc. to provide residential trash and recycling collection to the residents of the Town of Clarkdale.

Patriot Disposal currently is under an agreement with the Town of Clarkdale to provide residential collection and disposal services within the Town of Clarkdale. The current service agreement was approved by Council in February 2016 for a period of three (3) years, and is set to expire on February 28, 2019.

Advertisements for the Invitation for Bids were posted in the Verde Independent on January 18, 2019 and sent directly to potential bidders (Patriot Disposal, Taylor Waste and Waste Management) in addition to being posted on the Town's website.

A pre-bid meeting was held on January 31, 2019 and the bid opening was held on February 14, 2019. Three qualifying bids were received by the deadline. The qualifying bids were received from Patriot Disposal Inc., Taylor Waste Inc. and Waste Management, Inc.

BID RESULTS: Patriot Disposal was the lowest qualified bidder with weekly single stream (co-mingled trash and recycling) collection at \$9.00/month/container for either the 96-gal or the 64-gal containers. For a second container (regardless of the size) the Town will be charged \$4.00/month/container and the third or any additional containers for the same site will be charged at \$15.00/month/container.

Additionally, Patriot Disposal will manage the Community Recycling Program at no additional charge. This represents an annual savings of \$6,840 based on the recently received proposal from Sedona Waste. Furthermore, brush pickup and E-waste will continue to be provided for no additional charge. The bid includes proposed charges for Town operations.

Based on these bids, The Town will be able to offer the Residential Trash Service at the current published rate for the basic services and will be proposing a slight increase for the additional services (2nd or more containers) at a future council meeting.

FUNDING: Funding for the Residential Trash and Recycling Service will come from Sanitation Contract Services Line item of the Budget funded through monthly residential user fees.

Utilities-Public Works Director Maher Hazine presented this item to Council for discussion. Hazardous waste disposal was discussed. Hazine noted that it would be an annual regional event with cooperation from other municipalities who would contribute to the operation.

Action: Accept the bid from Patriot Disposal, Inc. for residential trash and recycling collection and authorize the Public Works-Utilities Director to enter into an Agreement between the Town of Clarkdale and Patriot Disposal, Inc. to provide residential trash and recycling collection to the residents of the Town of Clarkdale.

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

A WORKSESSION TO DISCUSS PROPOSED CHANGES TO ZONING CODE CHAPTER NINE – LANDSCAPE DESIGN STANDARDS – A worksession regarding the proposed changes to Chapter 9 – Landscape Design Standards of the Town Zoning Code.

The Planning Commission, as the recommending body for changes to ordinance regulations, began discussing changes to the Landscape Code in September 2018. The landscape design standards apply to commercial and multi-family developments. The impetus for the majority of the proposed changes is to address issues that have been identified through recent applications and during preparation of focus area plans.

Proposed changes focus on strengthening requirements for incorporating xeriscape principles, Water Sense best practices and sustainable design elements.

Summary of recommended changes:

Section 9-020 Applicability

Language was added to cross-reference the site plan requirements in Section Eleven of the Zoning Code.

Section 9-030 Basic Requirements

#4: Strengthen emphasis on preservation of existing landscaping.

8: Added a recommendation that groundcover and accents be drought tolerant. An addendum to the Approved Plant List has been created with recommended decorative plants.

9: Added a requirement that no more than 50 percent of the landscaping is from one plant.

10: Landscaping in Public Right of Ways:

The Public Works Utilities Director is working with ADOT to revise the maintenance and access agreement for ADOT's right-of-way along the SR 89A corridor. Depending on the result of this discussion, ADOT may enter into an IGA with the Town to delegate landscaping maintenance to the Town. The Town may then require maintenance and landscaping responsibilities be passed on to the adjacent property owner. In staff's opinion, the majority of property owners would be supportive of this concept since this area is usually the 'face' of their business. General language has been added (9-020.11) encouraging landscaping in the right-of-way. If the IGA concept develops, and receives approval from Council, the requirements of the property owner could be assigned through the required site plan approval process. Existing businesses would be encouraged by staff to manage the landscaping in the frontage area. Several business owners have already expressed an interest in this opportunity.

#12: This statement was added to discourage attempts to import Phoenix landscaping concepts such as use of palm trees and bougainvillea into our area.

Section 9-040 Sustainable Design

A sustainable design section has been added. Some existing text has been moved into this section and some new text has been added to highlight the focus on these principles.

Section 9-060 Irrigation and Maintenance

#1: Added language requiring incorporation of Water Sense best practices for irrigation systems. This is an EPA program that has become an industry standard best practice. In staff's opinion this requirement is a strengthening of existing code.

Section 9-070 Minimum Plant Size

A minimum plant size for trees has been added. This is to prevent the use of a small tree in a five-gallon bucket.

Section 9-080 Restricted Planting Areas

Reduced visibility triangle requirement from 35 to 30 feet and added language referencing the Manual on Uniform Traffic Control Devices Standards per a recommendation from the Public Works Utilities Director.

Section 9-090 Parking Areas

Requirement for landscaping in parking lot islands and a perimeter landscape buffer were added to be consistent with existing site plan requirements included in Chapter Eleven of the Zoning Code.

Section 9-100 Minimum Landscaping as a Percentage of Lot Area

The previous code did not include any standards for Commercial Development. This has been added as #2. Thirty percent is the standard that has been applied to recent commercial development, including Dollar General and Rain Spirit RV Resort.

This section is at the end of the code in the existing ordinance. Staff is recommending it be moved to precede the Plant List.

Section 9-110 Compliance Regulations

This section was added to reinforce existing compliance and penalty code in Section 13-030 of the Zoning Code.

Section 9-120 Director Discretion

Wording was added to allow for flexibility in the code.

Approved Plant List

After review by Jason Lavelle of Arizona Botanical Gardens, the Approved Plant List has been updated to eliminate species that are no longer available and to add new, appropriate species. A modification has been made to allow for fifteen percent of the overall landscaping (based on the plant count) to be drought tolerant plants hardy for Clarkdale's specific climate zone though not listed on the Approved Plant List. This recommended change allows for flexibility in landscape design. Landscape design professionals usually have the most up-to-date knowledge regarding new plant species, so allowing this flexibility would not limit integration of new plants.

Town Attorney Review

Per staff direction the Town Attorney reviewed the proposed amendments to determine if the changes being considered created a potential exposure under the Private Property Rights Protection Act and has issued a legal opinion:

Question: Will the proposed amendments to the Town's landscaping ordinance be considered a diminution of value under the Private Property Rights Protection Act, A.R.S. § 12-1134?

Answer: In my legal opinion, the proposed amendments will not reduce the fair market value of private property. However, the Town may wish to expand the waiver and modification provision in Section 9-120 to allow the Community Development Director or the Design Review Board discretion to waive the application of the landscaping code requirements to a specific property, upon a finding that application of the requirements would reduce the fair market value of the property.

If the Town receives written notice from a landowner alleging diminishment of property value under A.R.S. § 12-1134 because of requirements in the new landscape ordinance, the Town has ninety days to reply and may choose to waive the application of this ordinance. Because of this

opportunity, and upon the advice of the Town attorney, the following language has been added to Section 9-120 Director Discretion:

The Community Development Director has the discretion to waive the application of this ordinance upon a finding that application of the requirements would reduce the fair market value of the property.

Design Review Board

The draft changes were presented to the Design Review Board at their February 3, 2019 meeting. The Design Review Board reviews all site plan applications, including landscape design. Their comments were incorporated into the draft ordinance being presented to Council.

Public Outreach

A press release was distributed regarding the proposed changes. No comments have been received.

Summary

The changes being proposed to the landscape design standards clarify the document and strengthen the emphasis on sustainable, water efficient landscaping. In addition, the changes address deficiencies in the regulation and make the code easier to interpret and enforce.

Planning Manager Beth Escobar presented information on this agenda item to Council. Discussion followed regarding the plant list and which flora would be appropriate for the each of the various locations. Councilman Regner expressed concerns about the possibility of larger trees becoming root bound in a 15-gallon bucket. Staff will check with an arborist to determine if the minimum size requirement being proposed negatively impacts a tree's health.

Action: This is a discussion item only. This item will be scheduled for review by the Town Council in a Public Hearing in April.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "OFFICERS" – Discussion and consideration of Resolution #1594, declaring "Officers" as a public record.

In preparation for recodification of the Town Code, all chapters of the current Code have been reviewed and revised by relevant staff for Council review. Chapter 3 of the Code, "Officers" has been changed according to the redlined copy of this section attached to this report. In addition to statute references adaptations, minor grammatical and spelling corrections, the following changes were made:

Article 3-1, 3-1-1 added "Appointive" to "Officers"

Section 3-1-1 Officers:

(A) "Town Engineer" was deleted;

(C) "There are hereby created the offices of Town Clerk, Town Treasurer, Town Marshal, Town Engineer and Zoning Administrator, who shall be appointed by the Town Manager and shall serve at the pleasure of the Town Manager" was added.

Section 3-1-3 Additional Officers

The Council may appoint and remove, or give the Town Manager authority to appoint and remove, from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.”

Section 3-1-5 Vacancies; Holding More Than One Office

(A) Amended by adding the following highlighted sections: “Any vacancy that shall occur in any Town office that is appointed by the Council shall be filled by appointment of the Council, and any vacancy in any Town office that is appointed by the Town Manager shall be filled by appointment of the Town Manager.”

The remainder of existing paragraph (A) was deleted and a new paragraph (B) created: “One person may hold more than one office and that at the discretion of the Council, the functions of a Town official may be validly performed and discharged by a deputy or another Town official, or an otherwise qualified individual not holding office but employed at the pleasure of the Council.”

Section 3-1-6 Additional Powers and Duties

Amended by adding the following highlighted sections: “In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the Council or Town Manager through ordinance, resolution, job description or order.

*Article 3-2 **OFFICERS** “3-2-7 Town Treasurer” was added.*

Section 3-2-1 (I) the following highlighted amendment was made: “Acting Town Manager: In the event of the Town Manager’s actual or anticipated absence or disability for a period of thirty (30) days or longer, the Council may appoint an acting Town Manager. For periods of actual or anticipated absence or disability for a period of less than thirty (30) days, the Town Manager may appoint an Acting Town Manager.

Section 3-2-2(A) “Council” was changed to “Town Manager”.

Section 3-2-2(D) “...and Boards and Commissions...” was added.

Section 3-2-2(F) Deleted in its entirety.

Section 3-2-2(I) “Council” was changed to “Town Manager”.

Section 3-2-3 Town Marshal the following amendments were made: “The Town Manager shall appoint a Marshal who shall be the collector of all taxes of the Town. He shall perform such duties as may be required of him by law and as the council may deem necessary. At times when a separate Marshal is not appointed, the Town Manager shall serve as the Marshal.

Section 3-2-4 Town Engineer was amended by changing “Council” to “Town Manager”.

Section 3-2-6 Town Magistrate was amended by adding new sections (B) and (C) as follows:

- (B) "The Magistrate shall serve for a term of two years with the beginning of the term to be specified at the time of appointment."
- (C) "The Magistrate may be removed from office as specified in Section 3-1-1."

Added Section 3-2-7 Town Treasurer "The Town Manager shall appoint a Town Treasurer on behalf of the Town Clerk, who also shall collect taxes on behalf of the Town Marshal. He shall receive and safely keep all monies that shall come to the Town and pay out the same when authorized by the Council, or Manager as authorized by the Council. He shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds as prescribed by the Council, and keep a complete set of books showing every money transaction of the Town, the state of each fund, from what source the money in each fund was derived and for what purpose expended. He shall make monthly reports to the Town Manager and Council of all receipts and disbursements and the balance of each fund."

Section 3-2-8 Zoning Administrator

- (A) The Office of Zoning Administrator of the Town of Clarkdale is hereby established.
- (B) The zoning administrator shall be responsible for the enforcement of the zoning ordinances of the Town and shall act as provided by A.R.S. § 9-462.05.

Section 3-3 (VACANT)

Town Clerk Mary Ellen Dunn introduced this agenda item to Council with Town Manager Mabery providing input on specific additions pursuant to Town Attorney advice, statutory requirements and current practices. Terms and positions were identified.

Action: Approval of Resolution #1594, a Resolution declaring "Officers" as a public record.

Motion: Councilmember Hunseder

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE TOWN CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "OFFICERS" REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY - Discussion and

consideration of Ordinance #394, an ordinance adopting by reference that chapter "Officers".

During the February 26, 2019 Council meeting the Council will first consider the adoption of Resolution #1594 that details changes made to Chapter 3, Sections 3-1 through 3-3, of the Town Code. If the Council supports the adoption of the "Officers" code, and has voted to make it a public record by adopting the Resolution, then the adoption of this proposed ordinance would be the final step in the process to formally adopt the "Officers" chapter of the Code.

Action: Adopt Ordinance #394, an Ordinance of the Town of Clarkdale, Arizona, Making Changes to the Town Code by Adopting by Reference that Certain Document Entitled "Officers" Repealing Conflicting Ordinances and Providing for Severability.

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	absent
Mayor Doug Von Gausig	Aye

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT: Without objection Mayor Doug Von Gausig adjourned the meeting at 4:54 P.M.

APPROVED:


Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

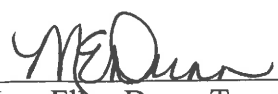

Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 26th day of February, 2019. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 13th day of March, 2019.

SEAL


Mary Ellen Dunn, Town Clerk